

by shutting down an existing source or curtailing production or operating hours below baseline levels (shutdown credits). These requirements must include a provision that such reductions may be credited if they are permanent, quantifiable and federally-enforceable, and if the area has an EPA-approved attainment plan.

(6) A requirement that the shutdown or curtailment is creditable only if it occurred after the date of the most recent emissions inventory or attainment demonstration consistent with 40 CFR 51.165(a)(3)(ii)(C)(1).

(7) A requirement that all emission reductions claimed as offset credit shall be federally enforceable consistent with 40 CFR 51.165(a)(3)(ii)(E).

(8) Requirements for the permissible location of offsetting emissions consistent with 40 CFR 51.165(a)(3)(ii)(F) and section 173(c)(1) of the CAA.

(9) A requirement that credit for an emission reduction can be claimed to the extent that the State has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR part 51 (i.e., the SIP), or the State has not relied on it in a demonstration of attainment or reasonable further progress.

(d) Revisions to the Delaware State Implementation Plan, Regulation No. 12, pertaining to NO_x RACT requirements on major sources submitted on January 11, 1993 and amended on January 20, 1994 by the Delaware Department of Natural Resources and Environmental Control, is conditionally approved. Delaware must meet the following condition by no later than July 17, 2000, in accordance with criteria defined in the EPA Memorandum dated November 7, 1996 from the Director of the Air Quality Strategies and Standards Division of the Office of Air Planning and Standards, entitled "Approval Options for Generic RACT Rules Submitted to Meet the Non-CTG VOC RACT Requirement and Certain NO_x RACT Requirements." This memorandum is available, upon request, at the office of the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. This condition is:

(1) The DNREC must certify, in writing, that it has submitted, as SIP revisions,

RACT determinations for all sources subject to source-specific NO_x RACT requirements.

[62 FR 27197–27199, May 19, 1997, as amended at 63 FR 1368, Jan. 9, 1998; 63 FR 16435, Apr. 3, 1998; 64 FR 32189, June 16, 1999]

EFFECTIVE DATE NOTE: At 64 FR 32189, June 16, 1999, §52.424 was amended by adding paragraph (d), effective July 16, 1999.

§§ 52.425–52.429 [Reserved]

§ 52.430 Photochemical Assessment Monitoring Stations (PAMS) Program.

On March 24, 1994 the Delaware Department of Natural Resources & Environmental Control submitted a plan for the establishment and implementation of a Photochemical Assessment Monitoring Stations (PAMS) Program as a state implementation plan (SIP) revision, as required by section 182(c)(1) of the Clean Air Act. EPA approved the Photochemical Assessment Monitoring Stations (PAMS) Program on September 11, 1995 and made it part of the Delaware SIP. As with all components of the SIP, Delaware must implement the program as submitted and approved by EPA.

[60 FR 47084, Sept. 11, 1995]

§ 52.431 [Reserved]

§ 52.432 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulation for preventing significant deterioration of air quality. The provisions of §52.21(l)(2) and (p) are hereby incorporated and made a part of the applicable State plan for the State of Delaware.

(c) Pursuant to 40 CFR 52.21(u) full delegation of authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, was relinquished to the State of Delaware as of June 15, 1981. All applications submitted as of that date and supporting information required pursuant to §52.21 from sources located in the State of

Delaware shall be submitted to: Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Division of Environmental Control, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware 19901.

[45 FR 52741, Aug. 7, 1980, and 46 FR 31262, June 15, 1981, as amended at 47 FR 11014, Mar. 15, 1982]

§ 52.433 Requirements for state implementation plan revisions relating to new motor vehicles.

Delaware must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

§ 52.460 Small business stationary source technical and environmental compliance assistance program.

(a) On January 11, 1993, the Director of the Delaware Department of Natural Resources and Environmental Control submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program as a State Implementation Plan revision, as required by title V of the Clean Air Act. EPA approved the Small Business Stationary Source Technical and Environmental Compliance Assistance Program on May 17, 1994, and made it a part of the Delaware SIP. As with all components of the SIP, Delaware must implement the program as submitted and approved by EPA.

[59 FR 25572, May 17, 1994]

§ 52.465 Original identification of plan section.

(a) This section identifies the original "Air Implementation Plan for the State of Delaware" and all revisions submitted by Delaware that were federally approved prior to July 1, 1998.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Certification that public hearing was held on plan submitted on February 11, 1972, by the Department of Natural Resources and Environmental Control.

(2) Information on the geometric standard deviations of air quality data submitted on March 7, 1972, by the Department of Natural Resources and Environmental Control.

(3) Miscellaneous non-regulatory clarifications and amendments to the plan submitted on May 5, 1972, by the Department of Natural Resources and Environmental Control.

(4) Specification of attainment dates submitted on June 2, 1972, by the Department of Natural Resources and Environmental Control.

(5) Periodic stack sampling requirements submitted on June 5, 1972, by the Department of Natural Resources and Environmental Control.

(6) Miscellaneous non-regulatory additions to the plan submitted on July 20, 1972, by the Delaware Water and Air Resource Commission.

(7) Backup information for the attainment of the Secondary SO₂ standards in New Castle County submitted on November 14, 1972, by the Department of Natural Resources and Environmental Control.

(8) Backup information for the attainment of the Secondary SO₂ standards in New Castle County submitted on December 19, 1972, by the Department of Natural Resources and Environmental Control.

(9) Amendments to Regulations I through XIV inclusive of the Delaware Regulations Governing Air Pollution, and Amendments to the Delaware Environmental Protection Act; submitted on January 16, 1975 by the Delaware Department of Natural Resources and Environmental Control.

(10) Amendments to Section V (Surveillance) of the Delaware State Implementation Plan and amendments to Section V (Surveillance) of the New Castle County Portion of the Delaware State Implementation Plan, covering changes to the air pollution monitoring system; submitted on September 3, 1975 by the Delaware Department of Natural Resources and Environmental Control.

(11) A Consent Order for the Getty Oil Company and the Delmarva Power and Light Company submitted on August 5, 1975 by the Delaware Department of Natural Resources and Environmental Control.